

ARTICLE 8

SECTION 5

CARETAKER RELATIVES

1. GENERAL

This section contains information for determining who can be a caretaker relative and how a caretaker relative can be part of a child(ren)'s MFBU.

2. CARETAKER RELATIVE

MEM 50085

A caretaker relative is a relative who provides care and supervision to a child when no natural step or adoptive parent is in the home with the child. In addition, the caretaker relative must be a relative as defined in MPG Article 1, and reside in the home with the child. A caretaker relative is not a "Responsible Relative."

MEM 50351

3. MFBU COMPOSITION

A. A caretaker relative with no spouse and/or children of his/her own may be in his/her own MFBU or choose to be in the child(ren)'s MFBU.

MEM 50373

B. A caretaker relative with a spouse and/or children of his/her own may be linked to related children when:

1) The caretaker's spouse and own children do not want Medi-Cal, or

ACWD
91-88

2) The caretaker's spouse and/or own children are eligible and receive Medi-Cal but the caretaker relative has no linkage in their MFBU.

C. Stepparents who are caretaker relatives because there is no natural or adoptive parent in the home will be considered as caretaker relatives unless the stepparent has mutual children with the absent/deceased parent. Then all persons will be in the same MFBU. This is because the mutual child(ren) and stepchild(ren) are half siblings.

4. EXAMPLES OF THE MFBU COMPOSITION

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The following examples show the MFBU composition for caretaker relative cases. A caretaker who is a parent or spouse may now be in TWO cases.

**Family Members Living in the Home Who are
not PA or Other PA**

MFBU Composition

EXAMPLE 1

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather and their children also live in the home. The grandfather has no linkage and does not wish Medi-Cal nor do their own children.

Household

MFBU(s)

Caretaker; related children; caretaker's spouse;
their own children.

1 Case:

Caretaker; related children. (Case is in
children's mother's name.)

EXAMPLE 2

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), her spouse, and her own children. The grandfather and their children live in the home. The grandfather has no linkage. The grandmother has no basis for linkage except as a nonparent caretaker relative to her grandchildren.

Household

MFBU(s)

Caretaker; related children; caretaker's spouse;
their own children.

2 Cases:

- 1) Caretaker; related children. (Case
is in children's mother's name.)
- 2) Caretaker and caretaker's spouse
as ineligible members (M) in the
PC code; their own eligible
children. (Case is in caretaker's
name.)

EXAMPLE 3

Aunt requests Medi-Cal for herself, her sister's children (siblings or half siblings) and her spouse who is aged. They have no children of their own living in the home. The aunt has no basis for linkage except as a nonparent caretaker relative to her nieces and nephews.

**Family Members Living in the Home Who are
not PA or Other PA**

MFBU Composition

Household

MFBU(s)

Caretaker; related children; caretaker's spouse.

2 Cases:

- 1) Caretaker; related children. (Case is in children's mother's name.)
- 2) Caretaker as ineligible member. Caretaker's spouse (aged). (Case is in caretaker's name.)

EXAMPLE 4

Grandmother requests Medi-Cal for herself, her grandchild, and her sister's children. She has no spouse or children of her own living in the home.

Household

MFBU(s)

Caretaker; related children (some who are not siblings or half siblings)

2 Cases:

- 1) Related child (grandchild)
- 2) Related children (niece, nephew); caretaker.

or

- 1) Related child (grandchild); caretaker.
- 2) Related children (niece, nephew).

Caretaker may choose either/any case. Children who are not siblings or half siblings must be in their own case.

EXAMPLE 5

Uncle, his brother's children (siblings or half siblings), his wife and their own children request Medi-Cal. His wife is incapacitated. Nieces are SSI recipients.

Household

MFBU(s)

Caretaker; related children on PA; caretaker's spouse; their own children.

1 Case:

Caretaker; spouse; their own children.

**Family Members Living in the Home Who are
PA or Other PA**

MFBU Composition

EXAMPLE 6

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather receives SSI because he is aged and lives in the home.

Household

MFBU(s)

Caretaker; related children; caretaker's spouse on PA.

1 Case:

Caretaker; related children.

EXAMPLE 7

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), and her own children. The grandfather receives SSI because he is aged. The grandparent's children are medically indigent; the grandmother's only linkage would be as the nonparent caretaker relative of her grandchildren.

Household

MFBU(s)

Caretaker; related children; caretaker's spouse on PA; their own children.

2 Cases:

1) Caretaker; related children.

2) Caretaker as ineligible member; her own children.

When a caretaker relative is eligible in the related children's case and ineligible in her own family's case, workers should enter "companion to case #" on the L lines of both cases.

5. TREATMENT OF INCOME AND PROPERTY

In households where there is an MFBU which contains a caretaker relative and related children and the spouse or children of the caretaker either do not wish Medi-Cal or receive public assistance (PA) or other PA and do not appear in any MFBU, no income or property of the caretaker's spouse or own children is counted other than income which is actually contributed to the MFBU. No income or property allocation is made to either the spouse or the caretaker's own children by the caretaker or vice versa.

If the caretaker relative is in two cases, consider the caretaker relative's full income in both and allow his/her medical expenses to be used to meet the share of cost in both cases.

If an MFBU which contains a caretaker relative and related children has excess property or a share of cost, follow existing Sneede v. Kizer procedures.